

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
S/S of Joppa Road, 524' W
of c/l of Woodbine
605 W. Joppa Road
9th Election District
4th Councilmanic District
Clinton R. Black, IV, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-447-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b) of the Baltimore County Code for a height variance of 22 feet in lieu of the permitted 15 feet in height as required in Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance and the subject property having been posted and all requests for public hearing having been dismissed, the matter is ready for determination.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1), of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of June, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b) of the Baltimore County Code, for a height variance of 22 feet in lieu of the permitted 15 feet in height, as required in Section 400.3 of the B.C.Z.R., and in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 30, 1990



Dennis F. Rasmussen
County Executive

Clinton R. Black, IV, Esquire
Moore, Libowitz and Thomas
5th Floor
300 N. Charles Street
Baltimore, Maryland 21201-4305

RE: Petition for Residential Zoning Variance
Case No. 90-447-A

Dear Mr. Black:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-447-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3

To permit reconstruction of an accessory structure (barn) with same height of 22 feet in lieu of the permitted 15 feet height.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):

- 1) Proposed structure is improvement and replacement of existing structure in order to retain its utility.
 - 2) Actual height is approximately 15 feet or slightly higher with 22 feet at peak.
 - 3) Subject property slopes strongly from front to rear and building, and will be at or below grade of existing dwellings.
 - 4) Proposed structure cannot be seen from any adjacent street.
 - 5) Request is in harmony with, and in spirit of existing zoning regulations.
- Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney's telephone number

Legal Owner(s):

Clinton R. Black, IV

(Type or Print Name)

Signature

Caroline McSherry Black

(Type or Print Name)

Address

City/State/Zip Code

Name, address and phone number of legal owner, contact person or representative to be contacted.

Clinton R. Black, IV

Address

City/State/Zip Code

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of April, 1990, that the subject matter of this petition be posted on the property on or before the 25th day of April, 1990.

J. Robert Haines
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of May, 1990, at 9:30 a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date
By

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 605 W. Joppa Road, Towson, Maryland 21204

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

- 1) Proposed structure is improvement and replacement of existing structure in order to retain its utility.
- 2) Actual height is approximately 15 feet or slightly higher with 22 feet at peak.
- 3) Subject property slopes strongly from front to rear and building, and will be at or below grade of existing dwellings.
- 4) Proposed structure cannot be seen from any adjacent street.
- 5) Request is in harmony with, and in spirit of existing zoning regulations.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Clinton R. Black, IV
AFFIANT (Handwritten Signature)

Caroline McSherry Black
AFFIANT (Handwritten Signature)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of April, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Clinton R. Black, IV and Caroline McSherry Black

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: 7/1/90

ZONING DESCRIPTION OF 605 WEST JOPPA ROAD

BEGINNING at a point on the south side of West Joppa Road which is 24 feet wide at the distance of 524 feet west of the centerline of the nearest improved intersecting street, Woodbine Avenue, which is 24 feet wide. As described in the Deed recorded in Liber E.H.K., Jr. No. 7057, folio 303: North 33 degrees 35 minutes east 455.42 feet; thence south 56 degrees 32 minutes east 20 feet; thence south 33 degrees 35 minutes west 151.56 feet; thence south 26 degrees 00 minutes 25 seconds east 125.98 feet; thence south 35 degrees 42 minutes 33 seconds west 121 feet; thence north 56 degrees 28 minutes west 112.88 feet; thence north 55 degrees 41 minutes west 112.88 feet to the place of beginning. Containing .818 acres, more or less. Also known as 605 West Joppa Road and located in the Ninth Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 4-19-90

Posted for: Variance

Petitioner: Clinton R. Black, IV, et ux

Location of property: S/S of Joppa Road, 524' W of the c/l of Woodbine Avenue

Location of Signs: East front of 605 W Joppa Road

Remarks: 1. J. Black

Posted by: J. J. Black Date of return: May 3, 90

Number of Signs: 7

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: B-001-6150
Number: No 1957

Date: 4/02/90 H9000343

	QTY	PRICE
PUBLIC HEARING FEES		
2010 - ZONING VARIANCE (IRL)	1 X	\$35.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: BLACK

B 0027*****6000: 3028F
Please make checks payable to: Baltimore County

Cashier Validation:
27 1 - 33-55

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-447-A
S/S Joppa Road, 524' W of Woodbine Avenue
605 W. Joppa Road
9th Election District - 4th Councilmanic
Petitioner(s): Clinton R. Black, IV, et ux
HEARING: THURSDAY, JULY 5, 1990 at 9:30 a.m.

Variances to permit reconstruction of an accessory structure (barn) with same height of 22 feet in lieu of the permitted 15 feet height.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: Petitioners

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

May 16, 1990



Dennis F. Rasmussen
County Executive

Clifton R. Black, Esquire
Moore, Libowitz & Thomas
300 N. Charles Street
Baltimore, MD 21201

RE: Item No. 343, Case No. 90-447-A
Petitioner: Clifton R. Black, et ux
Petition for Residential Variance

Dear Mr. Black:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
24th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Clifton R. Black, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 26, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Clinton R. Black, IV, et ux, Item 343

The Petitioner requests a Variance to accessory structure height requirements. In reference to this request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MAY 1 1990

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610
Ted Zaleski, Jr.
Director

APRIL 13, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CLINTON R. BLACK, IV
Location: #605 WEST JOPPA ROAD
Item No.: 343
Zoning Agenda: APRIL 24, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Cap. Paul Kelly 4-17-90* Noted and
Planning Group Approved *W.F. Brady, Jr. 4-17-90*
Special Inspection Division Fire Prevention Bureau

JK/KEK

APR 13 1990

LAW OFFICES
MOORE, LIBOWITZ & THOMAS
A PROFESSIONAL ASSOCIATION

FIFTH FLOOR
300 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-4305
(301) 752-2448
TELECOPIER (301) 752-2046

COUNSEL
BASIL A. THOMAS

RICHARD W. MOORE
MICHAEL J. LIBOWITZ
STEVEN ANAGROS THOMAS
JOHN B. WISE
ROBERT J. LYNOTT
CLINTON R. BLACK, IV
KEVIN B. KAMENITZ
PETER W. TALAMIERO
RONALD L. MATTIE
MARGARET L. ARGENT
KEVIN P. BENBROOK

*ALSO MEMBER OF D.C.
AND N.A.A.
*ALSO MEMBER OF G.A.B.A.

May 21, 1990

RECEIVED
MAY 22 1990
ZONING OFFICE

Mr. J. Robert Haines,
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Clinton R. Black, IV
Location: 605 W. Joppa Road
Item No: 343
Case No: 90-447-A

Dear Commissioner Haines:

By now I am sure you have received the notice filed with you from the Peoples' Counsel of Baltimore County withdrawing their appearance and request for hearing on the above-referenced matter. Peoples' Counsel attached a letter dated May 16, 1990 from Richard Parsons, President of the West Towson Neighborhood Association, to the withdrawal of the request for hearing. I believe this letter quite accurately characterizes the meeting that I had with Mr. Parsons.

One statement in Mr. Parsons' letter needs clarification, however. While we are requesting a variance from the 15 foot height restriction for accessory structures under the Baltimore County Zoning Regulations, we are only requesting a 7 foot variance, not the 15 feet mentioned in Mr. Parsons' letter. I have discussed this with Mr. Parsons, and he has indicated to me that he will forward a letter to Phyllis Friedman correcting this statement made in his letter. In fact, the variance we seek is only as stated on the Petition filed with your office.

I appreciate your taking the time to review this matter; and hopefully, now that the entire community seems to be in

Mr. J. Robert Haines
May 21, 1990
Page 2

agreement with the proposed renovation, we will be able to resolve this matter in the near future.

Very truly yours,

Clinton R. Black, IV
Clinton R. Black, IV

CRB:jrb
cc: Mr. Richard Parsons

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

May 15, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Clinton R. Black, IV
605 W. Joppa Road
Towson, Maryland 21204

Re: CASE NUMBER: 90-447-A
ITEM: 343
LOCATION: 605 W. Joppa Road

Dear Petitioner:

A request for hearing having been filed and/or upon determination of the Zoning Commission, this matter can not be decided through the administrative process and must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County, Maryland

PEOPLES' COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2168

PHYLLIS COLE FRIEDMAN
People's Counsel

May 8, 1990

RECEIVED
MAY 8 1990
ZONING OFFICE
PETER MAX ZIMMERMAN
People's Counsel

The Honorable
J. Robert Haines, Zoning Commissioner
First Floor, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Clinton R. Black, IV, et ux,
Petitioners - Case No. 90-447-A

Dear Commissioner Haines:

Enclosed please find our Entry of Appearance and Request for Hearing in the above matter. This case was called to our attention by the West Towson Neighborhood Association.

I have reviewed the plat and petition and have concluded that a hearing is warranted because:

1. The proposed building is described as a "barn", but is in a D.R. zone with no explanation as to a reason for the additional height.
2. There is no driveway to the "barn" indicated, but given its limited uses in a D.R. zone, there may be one added and there is a serious neighborhood concern with surface water runoff.

Thank you for your attention to this matter.

Sincerely yours,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Clinton R. Black, IV, Esquire
PCF:sh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
Date: May 17, 1990

FROM: Phyllis Cole Friedman
People's Counsel

SUBJECT: Clinton R. Black, IV, et ux, Petitioners
Zoning Case No. 90-447-A (Item 343)

My impression of this situation is that prior to my request for hearing, the Petitioner had stonewalled the community. However, in view of the fact that the community is now satisfied, I don't see any point to your cluttering your already crowded docket.

If you think we should discuss this whole procedure further, I will be happy to do so. Thanks for your cooperation.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Enclosure:
Withdrawal of Appearance
and Request for Hearing

PCF:sh

CPS-008

RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Joppa Rd., 524' W of : OF BALTIMORE COUNTY
Centerline of Woodbine Ave.
(605 W. Joppa Road)
9th Election District
4th Councilmanic District

CLINTON R. BLACK, IV, et ux, : Case No. 90-447-A
Petitioners

ENTRY OF APPEARANCE AND REQUEST FOR HEARING

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

In addition, pursuant to Section 524.1(b) of the Baltimore County Charter, and Section 22-26(b) of the Baltimore County Code, this office requests a hearing on the above application.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 17th day of May, 1990, a copy of the foregoing Entry of Appearance and Request for Hearing was mailed to Clinton R. Black, IV, Esquire, Moore, Libowitz & Thomas, 300 N. Charles St., 5th Floor, Baltimore, MD 21201, Attorney for Petitioners.

Peter Max Zimmerman

Peter Max Zimmerman

RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Joppa Rd., 524' W of : OF BALTIMORE COUNTY
Centerline of Woodbine Ave.
(605 W. Joppa Road)
9th Election District
4th Councilmanic District

CLINTON R. BLACK, IV, et ux, : Case No. 90-447-A
Petitioners

WITHDRAWAL OF APPEARANCE AND REQUEST FOR HEARING

People's Counsel for Baltimore County requests that the Entry of Appearance and Request for Hearing be withdrawn on the grounds that it has been determined that it is no longer in the public interest pursuant to the attached correspondence from West Towson Neighborhood Association dated May 16, 1990.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 17th day of May, 1990, a copy of the foregoing Withdrawal of Appearance and Request for Hearing was mailed to Clinton R. Black IV, Esquire, Moore, Libowitz & Thomas, 300 N. Charles St., 5th Floor, Baltimore, MD 21201, Attorney for Petitioners; and Richard Parsons, President, West Towson Neighborhood Association, P.O. Box 5580, Towson, Maryland 21285-5580.

Phyllis Cole Friedman

Phyllis Cole Friedman

RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Joppa Road, 524' W : OF BALTIMORE COUNTY
of Centerline of Woodbine
605 W. Joppa Road
9th Election District
4th Councilmanic District

CLINTON R. BLACK, IV, et ux : CASE NUMBER: 90-447-A
Petitioners

NOTICE OF DISMISSAL OF PUBLIC HEARING

WHEREAS the Request for Public Hearing in Zoning Case Number 90-447-A has been withdrawn by People's Counsel for Baltimore County, Maryland, on behalf of Richard Parsons, President, West Towson Neighborhood Association (See attached Exhibits A and B),

IT IS THEREFORE ORDERED this 21st day of May, 1990, that the Public Hearing be and is hereby DISMISSED and that this matter will be adjudicated pursuant to Section 22-26 (b).

J. Robert Haines

J. Robert Haines
Zoning Commissioner of
Baltimore County

I HEREBY CERTIFY that on this 21st day of May, 1990, a copy of the foregoing Notice of Dismissal of Public Hearing was mailed to Clinton R. Black, IV, Esq., 300 N. Charles Street, 5th Floor, Baltimore, Maryland 21201, Attorney for Petitioners; and Richard Parsons, President, West Towson Neighborhood Association, P.O. Box 5580, Towson, Maryland 21285-5580; and People's Counsel, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

J. Robert Haines

J. Robert Haines

EXHIBIT - A

RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Joppa Rd., 524' W of : OF BALTIMORE COUNTY
Centerline of Woodbine Ave.
(605 W. Joppa Road)
9th Election District
4th Councilmanic District

CLINTON R. BLACK, IV, et ux, : Case No. 90-447-A
Petitioners

WITHDRAWAL OF APPEARANCE AND REQUEST FOR HEARING

People's Counsel for Baltimore County requests that the Entry of Appearance and Request for Hearing be withdrawn on the grounds that it has been determined that it is no longer in the public interest pursuant to the attached correspondence from West Towson Neighborhood Association dated May 16, 1990.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 17th day of May, 1990, a copy of the foregoing Withdrawal of Appearance and Request for Hearing was mailed to Clinton R. Black IV, Esquire, Moore, Libowitz & Thomas, 300 N. Charles St., 5th Floor, Baltimore, MD 21201, Attorney for Petitioners; and Richard Parsons, President, West Towson Neighborhood Association, P.O. Box 5580, Towson, Maryland 21285-5580.

Phyllis Cole Friedman

Phyllis Cole Friedman

EXHIBIT - B

WEST TOWSON NEIGHBORHOOD ASSOCIATION
P.O. BOX 5580
TOWSON, MARYLAND 21285-5580

May 16, 1990

Phyllis Cole Friedman, Esq.
People's Counsel for Baltimore County
Room 304
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mrs. Friedman:

At the request of the West Towson Neighborhood Association, you entered variance petition case #90-447-A (605 W. Joppa Road) on our behalf. As I wrote to you last week, the petitioners, Mr. & Mrs. Clinton R. Black IV, invited us to meet with them and their contractor on Monday, May 14, 1990.

John Pyle, 609 Debaugh Avenue, an engineer, Craig Allen, 615 Debaugh, who is in the construction field, and I met with the petitioners and Mr. Egan, their Monkon contractor. They were very courteous and showed us both their existing ca. 1904 barn - which is in an unsightly and unsafe condition, and their plans which would recreate the exact appearance of a late 19th century barn. The existing concrete flooring, which is in a deteriorated condition, will be removed and replaced. The exterior will conform in materials and appearance to a period barn. Storm water run-off will descend where it falls from the roof, rather than being channelled by gutters into downspouts which might create more powerful, localized streams, a cause of possible erosion and other problems.

The variance was requested because a barn is not allowed in D.R. residential zoning and free standing structures in such D.R. zones need to conform to the regulations governing accessory structures. The height of the existing barn is fifteen feet higher than that allowed for an accessory structure.

It is the opinion of the West Towson Neighborhood Association that this variance should be granted. The proposed structure will be a vast improvement over the dangerous ruin which is currently there; all the adjacent neighbors are in favor of the new construction. The petitioners intend to use part of the barn as a recreation room (with a pool table, etc.) and the rest for storing property maintenance equipment (like riding mowers).

We believe that the plans have been thought through carefully and that, as a result, there will not be a significant increase in the basement flooding already experienced by Debaugh Avenue property owners downhill and downstream from 605 W. Joppa. In fact, there is a possibility that some of this flooding may have developed as a result of the county itself having incorrectly and illegally paved a right of way which is not county property. This right of way is shared in common by a number of neighbors. It runs between Woodbine Avenue and Debaugh Avenue, in part at the foot of 605 W. Joppa Road.

Page 2

We are satisfied that the granting of the variance in the above referenced case will be in the best interests of the community.

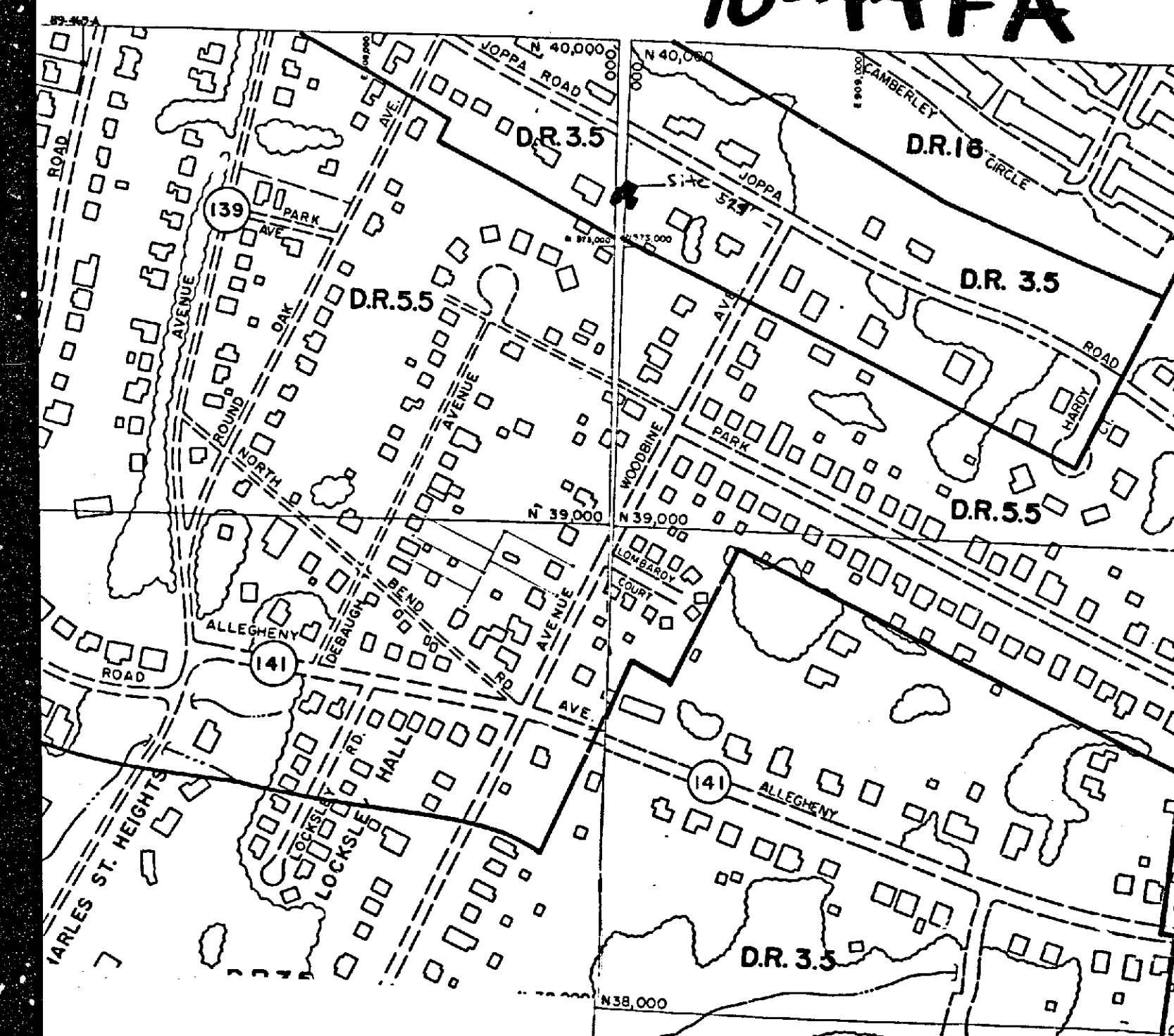
This should in no way be taken to mean that our opposition to the arbitrary and capricious 15 day filing period offered to opponents of a variance request under bill 18-90, has lessened. This ridiculous time frame was obviously devised so that most petitions might occur between monthly meetings of community organizations who might be parties of interest in such variance requests. We also think that the burden of the filing fee being placed on the party/parties requesting a hearing in those cases when the People's Counsel might not appear is punitive and insulting. Bill 18-90 should be amended to correct these two points.

Yours sincerely,

Richard Parsons

Richard Parsons
President

cc: Clinton R. Black IV, Esq.
J. Robert Haines, Esq., Zoning Commissioner
John Pyle
Mical Wilmoth
Joy Bliddison
Nan Spencer
Mary Laura Kalista



WEST TOWSON NEIGHBORHOOD ASSOCIATION

P.O. BOX 5580

TOWSON, MARYLAND 21285-5580

May 16, 1990

Phyllis Cole Friedman, Esq.
People's Counsel for Baltimore County
Room 304
111 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
MAY 18 1990

ZONING OFFICE

Dear Mrs. Friedman:

At the request of the West Towson Neighborhood Association, you entered variance petition case #90-447-A (605 W. Joppa Road) on our behalf. As I wrote to you last week, the petitioners, Mr. & Mrs. Clinton R. Black IV, invited us to meet with them and their contractor on Monday, May 14, 1990.

John Pyle, 609 Debaugh Avenue, an engineer, Craig Allen, 615 Debaugh, who is in the construction field, and I met with the petitioners and Mr. Egan, their Monkton contractor. They were very courteous and showed us both their existing ca. 1904 barn - which is in an unsightly and unsafe condition, and their plans which would recreate the exact appearance of a late 19th century barn. The existing concrete flooring, which is in a deteriorated condition, will be removed and replaced. The exterior will conform in materials and appearance to a period barn. Storm water run-off will descend where it falls from the roof, rather than being channelled by gutters into downspouts which might create more powerful, localized streams, a cause of possible erosion and other problems.

The variance was requested because a barn is not allowed in D.R. residential zoning and free standing structures in such D.R. zones need to conform to the regulations governing accessory structures. The height of the existing barn is fifteen feet higher than that allowed for an accessory structure.

It is the opinion of the West Towson Neighborhood Association that this variance should be granted. The proposed structure will be a vast improvement over the dangerous ruin which is currently there; all the adjacent neighbors are in favor of the new construction. The petitioners intend to use part of the barn as a recreation room (with a pool table, etc.) and the rest for storing property maintenance equipment (like riding mowers).

We believe that the plans have been thought through carefully and that, as a result, there will not be a significant increase in the basement flooding already experienced by Debaugh Avenue property owners downhill and downstream from 605 W. Joppa. In fact, there is a possibility that some of this flooding may have developed as a result of the county itself having incorrectly and illegally paved a right of way which is not county property. This right of way is shared in common by a number of neighbors. It runs between Woodbine Avenue and Debaugh Avenue, in part at the foot of 605 W. Joppa Road.

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We are satisfied that the granting of the variance in the above referenced case will be in the best interests of the community.

This should in no way be taken to mean that our opposition to the arbitrary and capricious 15 day filing period offered to opponents of a variance request under bill 18-90, has lessened. This ridiculous time frame was obviously devised so that most petitions might occur between monthly meetings of community organizations who might be parties of interest in such variance requests. We also think that the burden of the filing fee being placed on the party/parties requesting a hearing in those cases when the People's Counsel might not appear is punitive and insulting. Bill 18-90 should be amended to correct these two points.

Yours sincerely,

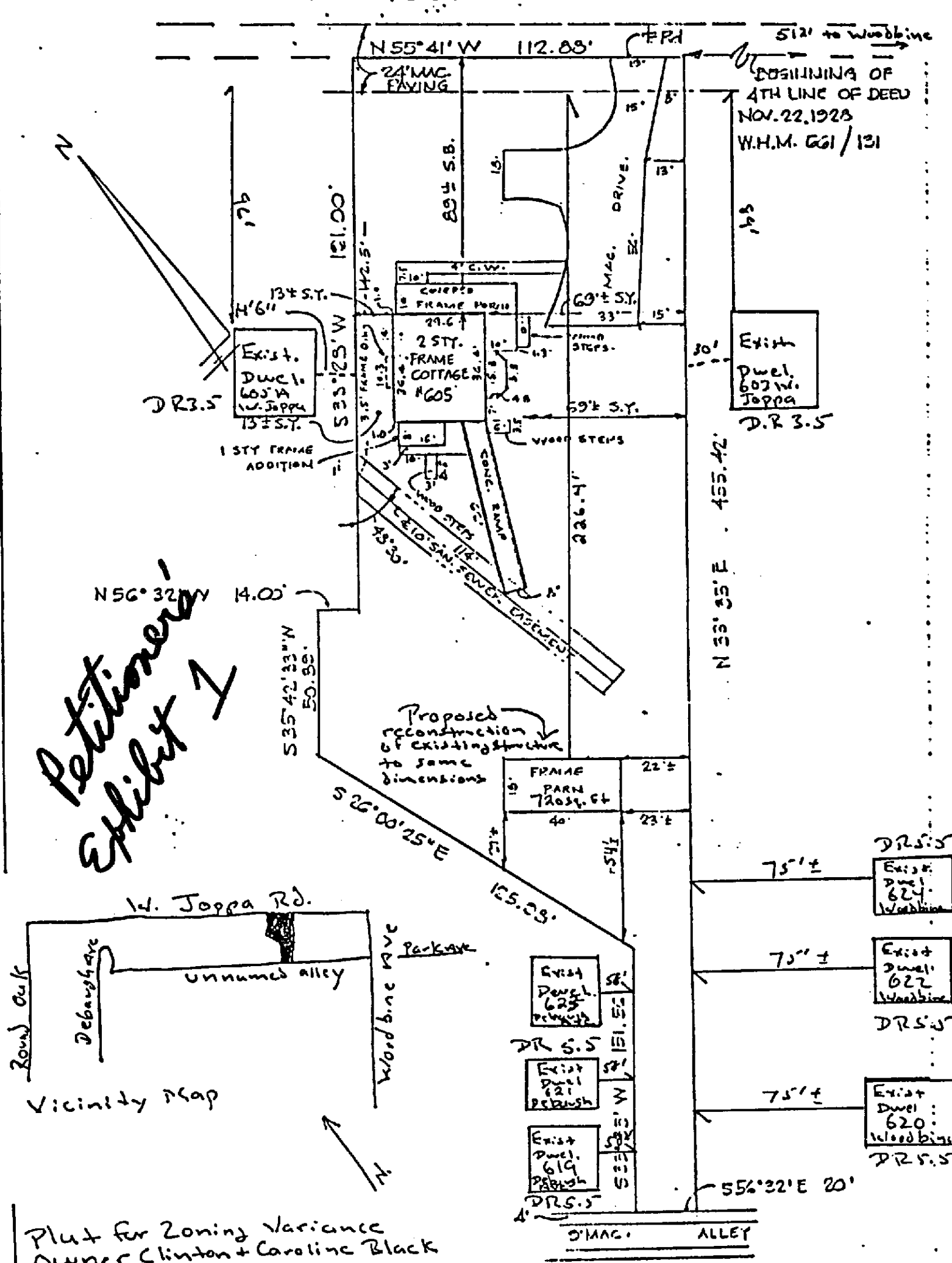
Richard Parsons

Richard Parsons
President

cc: Clinton R. Black IV, Esq.
J. Robert Haines, Esq., Zoning Commissioner
John Pyle
Mical Wilmoth
Joy Biddison
Nan Spencer
Mary Laura Kalista

Plan To Accompany Zoning
Variance
Plat of Property known as 605 W. Joppa Road and recorded among the land records
of Baltimore County in E.H.K. 7057 Folio 303

W. JOPPA ROAD



Plat for Zoning Variance
Owner Clinton + Caroline Black
District 9 Zoned D.R. 3.5
Liber E.H.K. 7057 Folio 303
Existing Utilities in Joppa Rd.
Scale 1" = 40' Lot size: 35,664.64 sq. ft.
Acres .818